Senate File 222 - Introduced

SENATE FILE 222 BY ZAUN

A BILL FOR

- 1 An Act relating to alternative or complementary medicine,
- 2 including exemptions from disciplinary action for persons
- 3 licensed to practice health-related professions and a
- 4 limitation on available damages in a civil action, and
- 5 including effective date provisions.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. <u>NEW SECTION</u>. **147.56** Alternative or complementary 2 medical treatment exemption from discipline.
- 3 1. A person licensed by a board under this subtitle shall
- 4 not be subject to discipline under this chapter or the board's
- 5 enabling statute based solely on the licensee's recommendation
- 6 or provision of alternative or complementary medicine to treat
- 7 a patient, including treatment of persistent Lyme disease, if
- 8 the recommendation or provision of such treatment meets all of
- 9 the following criteria, as applicable:
- 10 a. The treatment is provided after informed consent is
- 11 received from the patient and a prior examination of the
- 12 patient is conducted.
- b. The licensee identifies a medical reason for recommending
- 14 or providing the use of alternative or complementary medicine
- 15 to treat the patient.
- 16 c. The treatment is provided after the licensee informs
- 17 the patient about the most commonly used treatment options and
- 18 describes to the patient the licensee's education, experience,
- 19 and credentials regarding alternative or complementary
- 20 medicine.
- 21 d. The treatment will not, in the opinion of the licensee,
- 22 result in the direct and proximate death of or serious bodily
- 23 injury to the patient.
- 24 2. For purposes of this section, "alternative or
- 25 complementary medicine" means a medical treatment or practice,
- 26 other than the most commonly used medical treatment or practice
- 27 for a particular condition, that provides a reasonable
- 28 potential for improvement in a patient's condition that is
- 29 not outweighed by the risk of the treatment or practice.
- 30 In instances where there has been a documented clinical or
- 31 laboratory diagnosis of Lyme disease or other tick-borne
- 32 disease, "alternative or complementary medicine" may include but
- 33 is not limited to administration of oral, intramuscular, or
- 34 intravenous antibiotics for periods of greater than four weeks.
- 35 Sec. 2. Section 147.136, Code 2017, is amended by adding the

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- 1 following new subsection:
- 2 NEW SUBSECTION. 1A. Damages in a civil action against a
- 3 person licensed by a board under this subtitle relating to the
- 4 recommendation or provision of alternative or complementary
- 5 medicine shall not exceed actual damages if the licensee
- 6 satisfied the provisions of section 147.56, unless the licensee
- 7 committed gross negligence or willful misconduct.
- 8 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
- 9 immediate importance, takes effect upon enactment.
- 10 EXPLANATION
- 11 The inclusion of this explanation does not constitute agreement with
- 12 the explanation's substance by the members of the general assembly.
- 13 This bill exempts licensees of health-related professions
- 14 provided for in Code chapter 147 from discipline based solely
- 15 on the licensee's recommendation or provision of alternative or
- 16 complementary medicine to treat a patient, including treatment
- 17 of persistent Lyme disease, if the recommendation or provision
- 18 of such treatment meets certain criteria.
- "Alternative or complementary medicine" is defined by the
- 20 bill as a medical treatment or practice, other than the most
- 21 commonly used medical treatment or practice for a particular
- 22 condition, that provides a reasonable potential for improvement
- 23 in a patient's condition that is not outweighed by the risk of
- 24 the treatment. In instances where there has been a documented
- 25 clinical or laboratory diagnosis of Lyme disease or other
- 26 tick-borne disease, "alternative or complementary medicine"
- 27 may include but is not limited to administration of oral,
- 28 intramuscular, or intravenous antibiotics for periods of
- 29 greater than four weeks.
- 30 Alternative or complementary medicine may be provided
- 31 after informed consent is received from the patient and a
- 32 prior examination of the patient is conducted, the licensee
- 33 identifies a medical reason for recommending or providing such
- 34 treatment, the treatment is provided after the licensee informs
- 35 the patient about the most commonly used treatment options and

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- 1 describes to the patient the licensee's education, experience,
- 2 and credentials regarding alternative or complementary
- 3 medicine, and the treatment will not, in the opinion of the
- 4 licensee, result in the direct and proximate death of or
- 5 serious bodily injury to the patient.
- 6 The bill provides that damages in a civil action against
- 7 a licensee relating to the recommendation or provision of
- 8 alternative or complementary medicine shall not exceed actual
- 9 damages if the licensee satisfied the provisions of the bill,
- 10 unless the licensee committed gross negligence or willful
- 11 misconduct.
- 12 The bill shall become effective upon enactment.